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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,284	12/15/2001	Donald P. Kenney	11109-00006	7592
27160	7590	12/19/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 525 WEST MONROE STREET CHICAGO, IL 60661-3693			KOCZO JR, MICHAEL	
			ART UNIT	PAPER NUMBER
			3746	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,284

Applicant(s)

KENNEY ET AL

Examiner

Michael Koczo, Jr.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 9-11, 14, 15 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 9-11, 14, 15 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 2, 9, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 2, 9 and 23 are objected to because of the following informalities:

Claim 2 is redundant. See claim 3, line 2.

Claim 9 is also redundant. See claim 11, line 6.

In claim 23, line 11, there is no antecedent basis for "the sealed motor unit".

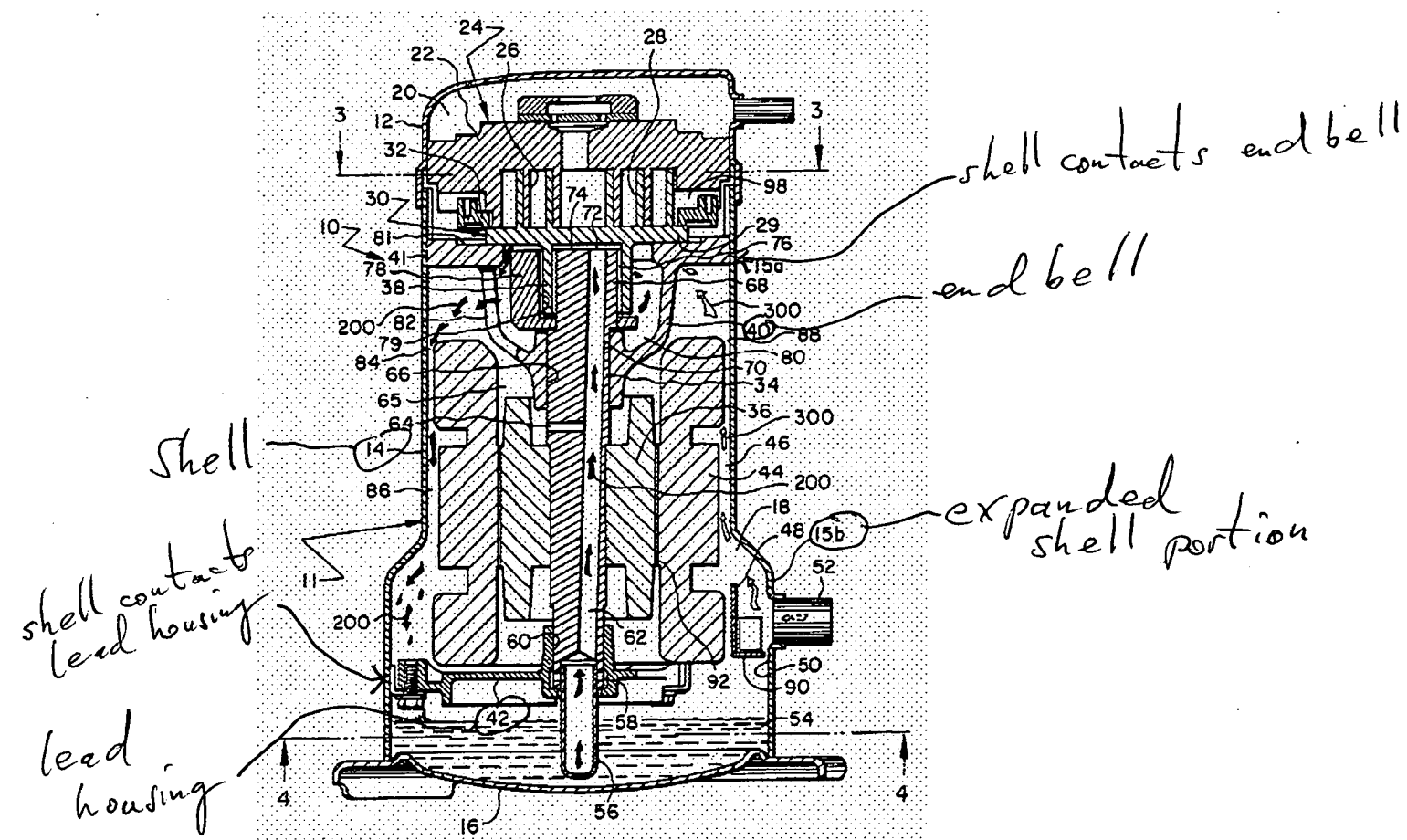
Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 2, 3, 4, 5, 9, 11, 15, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Avigdor (CH 207,150). See attachment "A" which shows figure 3 with the claimed structure identified. Figure 3 shows a sealed motor unit having a motor housing, a pump assembly having a predetermined cross-sectional area, and a shell 41 having an expanded portion that is relatively larger than the predetermined cross-sectional area. A cavity 38 is formed between the shell 41 and the motor housing. The shell contacts the end bell and the lead housing. The shell 41 inherently aligns the pump assembly components to the motor unit since it is connected to both. See figure 5 which shows the pump 69 submerged in a tank 67 and connected to a manifold which leads to dispensers 74. Regarding claim 23, the flow rate of an electric motor driven pump is inherently capped (limited) by its design.

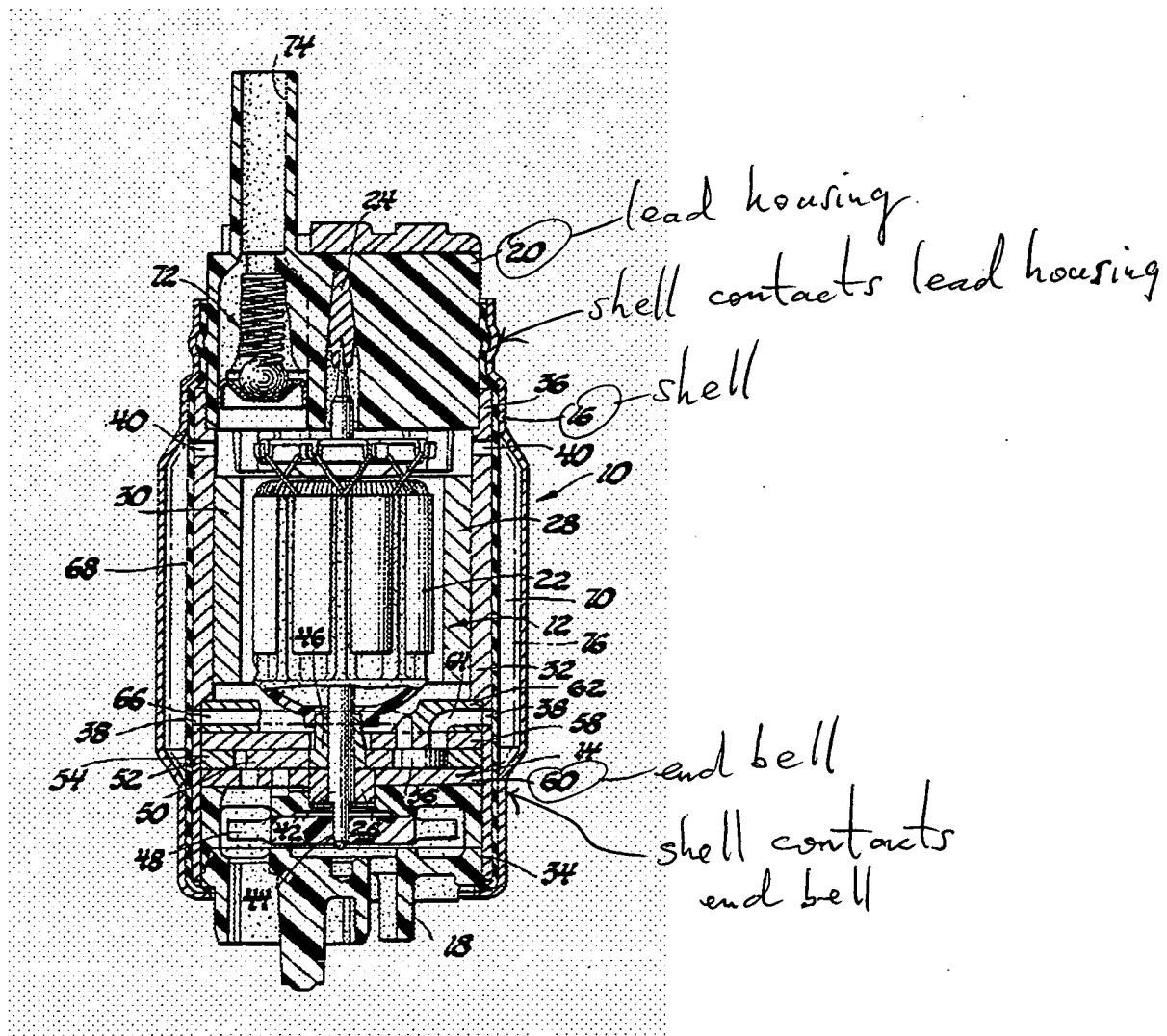
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Claims 2, 3, 4, 5, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Smerud et al. Note shell portion 15b which is expanded in a radial direction. Element 42 is readable as a "lead housing" and element 40 is readable as an "end bell". These elements contact the shell 14.



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Claims 2, 3, 4, 5, 9 and 11 are also rejected under 35 U.S.C. 102(b) as being anticipated by Beardmore. Note shell 16 which is expanded in a radial direction. Element 20 is readable as a "lead housing" and element 60 is readable as an "end bell". These elements contact the shell 16.



Claim Rejections - 35 USC § 103

Claims 7, 14, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avigdor. Regarding claims 7, 14 and 21, the inner diameter of the expanded portion is a matter of engineering design dependent on the overall size of the pump, which is a function of the desired throughput and/or pressure ratio of the pump. Therefore, to form the inner diameter of the expanded portion of the shell to be at least four inches would have been obvious to one of ordinary skill in the art. Regarding claim 24, the maximum flow rate is merely a desired performance specification. Depending on its size, the pump of Avigdor would be inherently capable of pumping ten gallons per minute. Therefore, to cap the maximum dispensing flow rate at ten gallons per minute would have been obvious to one of ordinary skill in the art.

Claims 7 and 14 are also rejected under 35 U.S.C. 103(a) as being unpatentable over either of Beardmore or Smerud et al. The inner diameter of the expanded portion is a matter of engineering design dependent on the overall size of the pump, which is a function of the desired throughput and/or pressure ratio of the pump. Therefore, to form the inner diameter of the expanded portion of the shell to be at least four inches would have been obvious to one of ordinary skill in the art.

Conclusion

The previously indicated allowability of claims 3 and 11 is regrettably withdrawn.

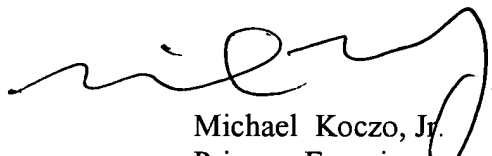
Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Koczo, Jr. whose telephone number is 571-272-4830. The examiner can normally be reached on M-Th; 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached at 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

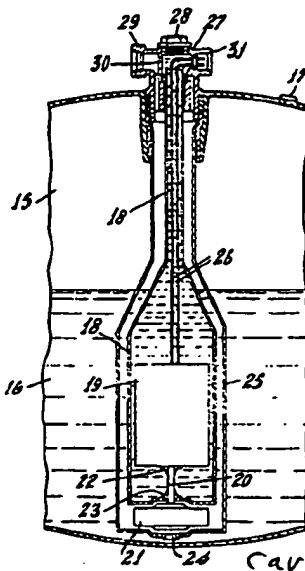
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.
Primary Examiner
Art Unit 3746

Patent No. 2071160
1 Blatt

Fig. 2.



cavity
motor housing

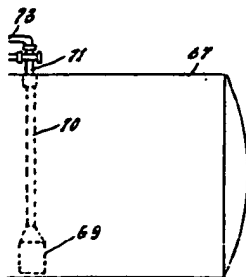
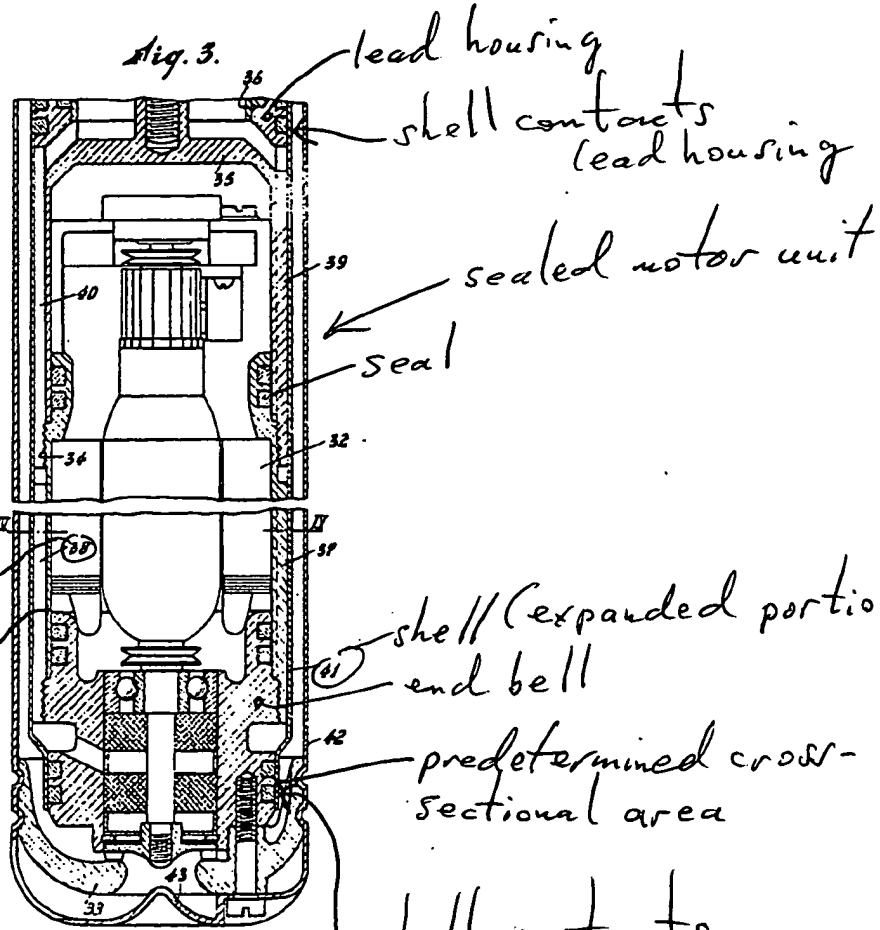


Fig. 3.



lead housing
shell contacts
lead housing
sealed motor unit
seal
shell (expanded portion)
end bell
predetermined cross-sectional area
shell contacts
end bell